

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
Western Division

ARTHUR JAMES DAVIS,

Plaintiff,

vs.

No.: 2:18-cv-2833-JTF-cgc

**THE STANDARD INSURANCE CO.,
CITY OF MEMPHIS GOV
DEPARTMENT OF HOUSING AND
CODE ENFORCEMENT,**

Defendants.

REPORT AND RECOMMENDATION

On November 30, 2018, plaintiff Arthur James Davis filed a *pro se* complaint and a motion to proceed *in forma pauperis*. (D.E. # 1 & 2.) This case has been referred to the United States magistrate judge for management and for all pretrial matters for determination and/or report and recommendation as appropriate pursuant to Administrative Order 2013-05¹. On April 2, 2019, Defendant Standard Insurance Company filed its Motion to Dismiss for Insufficient Service of Process. (D.E. # 7) For the following reasons, it is **RECOMMENDED** that the motion be **DENIED**.

Defendant argues that more than ninety days have passed since the Complaint was filed and that Defendant has not been served with the complaint and summons pursuant to Fed.R.Civ.P 4(m). Special rules govern the issuance of summonses and service of process in

¹ The instant case has been referred to the United States Magistrate Judge by Administrative Order pursuant to the Federal Magistrates Act, 28 U.S.C. §§ 631-639. All pretrial matters within the Magistrate Judge's jurisdiction are referred pursuant to 28 U.S.C. § 636(b)(1)(A) for determination, and all other pretrial matters are referred pursuant to 28 U.S.C. § 636(b)(1)(B)-(C) for report and recommendation.

cases where a *pro se* plaintiff is proceeding *in forma pauperis*. Under Local Rule 4.1(b)(2) of the Local Rules of the United States District Court for the Western District of Tennessee:

If a *pro se* plaintiff who is not a prisoner is proceeding *in forma pauperis*, the Clerk will issue summonses only if directed to do so by the Court following screening pursuant to 28 U.S.C. § 1915(e)(2)(B). Process will be served by the U.S. Marshal in accordance with 28 U.S.C. § 1915(d) and Fed. R. Civ. P. 4(c)(3). L.R. 4.1(b)(2).

The Court has not completed the review of the Complaint and has not issued an Order directing service of process. Until such time as the review is completed, the time to issue and serve process is tolled. Therefore, it is recommended that Defendant's motion be DENIED.

Signed this 1st day of July, 2019.

s/ Charmiane G. Claxton
CHARMIANE G. CLAXTON
UNITED STATES MAGISTRATE JUDGE

ANY OBJECTIONS OR EXCEPTIONS TO THIS REPORT MUST BE FILED WITHIN FOURTEEN (14) DAYS AFTER BEING SERVED WITH A COPY OF THE REPORT. 28 U.S.C. § 636(b)(1)(C). FAILURE TO FILE SAID OBJECTIONS OR EXCEPTIONS WITHIN FOURTEEN (14) DAYS MAY CONSTITUTE A WAIVER OF OBJECTIONS, EXCEPTIONS, AND ANY FURTHER APPEAL